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08/08/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation application of: MICHELSON <i>et al.</i>	Art Unit: To be assigned
Appln. No.: To Be Assigned	Examiner: To be assigned
Filed: Herewith	Atty. Docket 16602.003
For: Systems and Methods for Selecting and Recruiting Investigators and Subjects for Clinical Studies	

Petition to Make Special under 37 C.F.R. § 1.102

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request under the provisions of 37 CFR § 1.102 (d) for Advancement of Examination of the continuation application with attorney docket number 16602.003, filed herewith, which claims priority to application number PCT/US01/02936. A preliminary amendment and information disclosure statement along with PTO Form-1449 are also filed herewith.

Section 1.102 of the Code of Federal Regulations provides for accelerated examination if the Commissioner determines that a showing has been made to justify accelerated examination. According to section 708.02 (II) of the Manual of Patent Examining Procedure, infringement of one or more of the claims in the application can form the basis for such a showing.

According to section 708.02 (II), a petition to make special under this section must include a statement by the applicant that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good

knowledge of the pertinent prior art. Further, the applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

Accordingly, applicants aver the following:

At least four web sites are currently offering services that infringe at least one of the pending claims (see Preliminary Amendment, filed herewith). The infringing web sites are: www.EmergingMed.com; www.HealthExchange.org; www.VeritasMedicine.com; and www.AmericasDoctor.com.

I have made a rigid comparison of the alleged infringing method with the claims of the application, and, in my opinion, some of the claims are unquestionably infringed.

I have caused to be made a careful and thorough search of the prior art. Specifically, a search was performed and an International Search Report has been promulgated by the United States Patent Office at my request.

The art revealed in that International Search Report, which is the most relevant art as far as I am aware, is submitted herewith in an Information Disclosure Statement.

In view of the ongoing infringement of the pending claims, applicants hereby petition for expedited examination of the above-referenced application.

Enclosed are the appropriate fees set forth in 37 CFR § 1.17 (h). If additional fees are required, or overpayment had been made, the U.S. Patent and Trademark Office is hereby authorized to charge any deficiency, or credit any overpayment, to our Deposit Account No. 50-1824.

Respectfully submitted,



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Date:

8/08/01

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